

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BRUCE MARJENHOFF,

Plaintiff,

v.

CIV No. 14-364 LH/WPL

NEW MEXICO STATE POLICE, *et al.*,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on Defendant Magistrate Judge April Silversmith's Opposed Motion to Dismiss with Prejudice on the Grounds of Absolute Immunity (Doc. 11, filed June 27, 2014) and on Plaintiff's Motion to Amend Complaint (Doc. 18, filed July 22, 2014). For the reasons stated below, the Court will **DENY** Defendant Silversmith's Motion to Dismiss as moot, order Plaintiff to file an amended complaint with 10 days of entry of this Order, and **DENY** Plaintiff's Motion to Amend Complaint as moot.

Plaintiff filed a Complaint against Defendant Silversmith and others alleging civil rights violations. (Doc. 1, filed April 17, 2014). Defendant Silversmith subsequently filed her Motion to Dismiss on the grounds of absolute judicial immunity.

The Court dismissed Plaintiff's Complaint without prejudice for failure to state a claim upon which relief can be granted and concluded that Defendant Silversmith is immune from suit for actions taken in her judicial capacity. (Doc. 16, filed July 15, 2014). Because it has dismissed Plaintiff's Complaint, the Court will deny Defendant Silversmith's Motion to Dismiss as moot.


The Court also granted Plaintiff leave to amend his Complaint. (Doc. 16). Instead of filing an amended complaint, Plaintiff filed a Motion to Amend. (Doc. 18). Plaintiff did not

include a proposed amended complaint as required by the District of New Mexico's Local Rule of Civil Procedure 15.1. Because it has already granted Plaintiff leave to amend his Complaint, the Court will deny Plaintiff's Motion to Amend Complaint as moot. Plaintiff shall file an amended complaint within 10 days of entry of this Order. Failure to timely file an amended complaint may result in dismissal of this case.

**IT IS ORDERED** that Defendant Magistrate Judge April Silversmith's Opposed Motion to Dismiss with Prejudice on the Grounds of Absolute Immunity (Doc. 11, filed June 27, 2014) is DENIED as moot.

**IT IS ALSO ORDERED** that Plaintiff's Motion to Amend Complaint. (Doc. 18, filed July 22, 2014) is DENIED as moot.

**IT IS FURTHER ORDERED** that Plaintiff shall file an amended complaint within 10 days of entry of this Order.

  
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**SENIOR UNITED STATES DISTRICT JUDGE**